

AMENDMENTS TO THE DRAWINGS:

Applicant(s) submit(s) herewith two (2) sheets of new drawings. The amendments to the drawings are as follows:

In FIGURE 1, the word "SHEILDING" has been replaced with --SHIELDING--.

In FIGURE 2, the reference numerals "22a" and "22b" have been added.

REMARKS

The Examiner's communication dated March 13, 2006 has been received and carefully considered. In conformance with the applicable statutory requirements, this paper constitutes a complete reply and/or a bona fide attempt to advance the application to allowance. Specifically, claims 1-2, 5, 7, 12, 14, 22 and 25-26 have been amended and claim 21 has been cancelled. In addition, detailed arguments in support of patentability are presented. Reexamination and/or reconsideration of the application as amended are respectfully requested.

Summary of the Office Action

The drawings, specification and claims 12, 14 and 25 were objected to for minor informalities.

Claims 2-9, 11, 13, 21 and 30-32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bellefleur (U.S. Patent No. 4,665,300).

Claims 2-9, 11, 13, 21 and 30-32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lee (U.S. Patent No. 6,057,526).

Claims 2, 5-11, 13, 21-25 and 30-32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kensrue (U.S. Patent Publication No. 2004/0200819).

Claims 1, 14-20 and 26-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over any one of Bellefleur, Lee or Kensrue in view of Luo et al. (U.S. Patent No. 6,705,563).

Claims 1, 14, 16, 17, 26 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over any one of Bellefleur, Lee or Kensrue in view of Rousculp et al. (U.S. Patent No. 5,060,882).

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over any one of Bellefleur, Lee or Kensrue in view of Grimm et al. (U.S. Patent No. 5,836,539).

Drawings and Specification Objections

The drawings and the specification have been carefully amended to overcome the objections noted by the Examiner.

Claim Objections

Claims 12, 14 and 25 have been carefully amended to overcome the claim objections indicated by the Examiner.

Claims Distinguish Patentably Over the Reference(s) of Record

Claim 1, as amended, calls for a wire spool support tray to include a base wall, a forward wall extending from the base wall, a rearward wall extending from the base wall in spaced relation relative to the forward wall and spaced apart side walls extending from the base wall and between the forward and rearward walls to define a storage area open on an upper end thereof. As indicated in the Summary section above, original claim 1 was rejected as being obvious over one of Bellefleur, Lee or Kensrue in view of either Luo et al. or Rousculp et al. Applicant respectfully submits that none of the references of record, alone or in combination, disclose a wire spool support tray including a base wall, a forward wall extending from the base wall, a rearward wall extending from the base wall in spaced relation to the forward wall, and spaced apart side walls extending from the base wall and between the forward and rearward walls.

Applicant notes that the alleged wire spool support tray of Luo et al. includes a wire feeder base wall, but does not include forward and rearward walls extending from the base wall in spaced relation relative to one another and spaced apart side walls extending from the base wall and between the forward and rearward walls. Similarly, in Rousculp et al., the alleged wire spool support tray does not include forward and rearward walls extending from a base wall in spaced relation relative to one another with spaced apart side walls also extending from the base wall and between the forward and rearward walls. The base references applied against claim 1, mainly, Bellefleur, Lee and/or Kensrue all fail to disclose a wire spool support tray in addition to a storage tray, both of which are required by claim 1.

Additionally, Applicant notes that claim 1 recites a first limitation calling for "a housing" and a second limitation calling for "a storage tray formed with the housing." The Examiner contends that each of Bellefleur, Lee and Kensrue disclose a housing and a storage tray formed with the housing. In particular, the Examiner takes the position that each of Bellefleur, Lee and Kensrue discloses a housing and "a storage tray formed with

the housing (on the top surface and within the housing, with the latter defining a tray base wall and end walls)." Applicant strongly objects to this reading of the references of record.

First, broadly construing the top surface of a housing to be a storage tray would render any generally horizontally disposed surface as a tray. For example, the desk upon which this paper is being prepared would be, according to the overly broad position put forth by the Examiner, considered a storage tray. Applicant argues that such a broad reading of the word tray is unfair (i.e., there is a distinction between the word "tray" and any generic flat or horizontal surface).

Second, Applicant submits that the Examiner's apparent contention that each of these references discloses a wire feeder housing (such as housing H in Bellefleur, housing 22 in Lee and housing 12 in Kensrue) and a storage tray formed with the housing (the bottom wall of the housing forming the base wall of the tray and side walls of the housing forming side walls of the tray) ignores the separate recitation of elements/limitations in claim 1. In particular, such an application of the references of record against claim 1 ignores the separately recited limitations in claim 1 calling first for a housing and second for a storage tray formed with the housing. Applicant asserts that the housing of each of Bellefleur, Lee and Kensrue cannot be so broadly interpreted so as to anticipate a housing and also a storage tray formed with the housing. At best, the Examiner could argue the housing is the claim 1 housing or is the claim 1 storage tray, but not both the housing and the storage tray. Claim 1 recites both limitations separately and therefore both structures must separately be shown in the references of record.

Accordingly, for all of these reasons, Applicant respectfully submits that claim 1 is in condition for allowance.

Claim 2, as amended, calls for a storage tray to be formed integrally with a housing adjacent an upper end of the housing. Previously presented claim 2 was rejected as anticipated by any one of Bellefleur, Lee or Kensrue. Alleged storage trays in these references all appear to be similar in that the Examiner is merely taking the construction of the housing and asserting that it is itself a storage tray. By the amendment to claim 2, specifically calling for the storage tray to be formed integrally with the housing adjacent an upper end of the housing, Applicant respectfully submits that the storage tray of claim 2 is now patentably distinct from the alleged storage trays of the applied references. Specifically, none of the applied references disclose a storage tray adjacent an upper end

of a housing. Rather, the Examiner's interpretation of these references as having a storage tray requires such a storage tray to be adjacent a lower end of the housing because the bottom housing wall is what appears to be alleged as forming the support structure of the tray.

Additionally, as already discussed herein, Applicant asserts that the simple teaching of a housing cannot serve to anticipate separately recited limitations in a claim. Claim 2 calls for a housing and separately calls for a storage tray formed integrally with the housing. Also, the Examiner's indication that a housing top surface is a tray does not fairly take consideration of the structure attributes connoted by the limitation "tray." Applicant respectfully submits that the limitation tray requires something more than just a flat horizontal surface.

Accordingly, for at least this reason, Applicant respectfully submits that claim 2 and claims 3-20 and 26-32 dependent therefrom are in condition for allowance.

Applicant would like to highlight the limitations of dependent claim 5 which calls for the storage tray of claim 2 to include a tray base wall that is formed in an upper portion of the housing and further calls for walls of the housing to form side walls of the tray extending upward from the tray base walls to define a storage area with an open end facing upward. Applicant respectfully submits that these limitations are not found in any of the applied references, either alone or in combination. Thus, for this additional reason, Applicant asserts that claim 5 recites patentable subject matter.

Applicant would additionally like to highlight the limitation of dependent claim 7 calling for the tray to include a base wall spaced apart from a lower end of the housing. Applicant respectfully asserts that the references applied against original claim 7 fail to disclose or fairly suggest a tray including base wall spaced apart from a lower end of the housing. Rather, all of the applied references use a lower end of the housing to form a wall of the tray. Thus, for at least this reason, Applicant respectfully asserts that dependent claim 7 recites additional patentable subject matter.

Claim 22 has been placed in independent form. It is respectfully submitted that claim 22 patentably distinguishes over the references of record, whether applied alone or in combination with one another. Original claim 22 was rejected as being anticipated by Kensrue. However, claim 22 calls for a housing to include a forward housing end wall, a rearward housing end wall and a housing base wall extending between the forward and

rearward housing end walls. The housing further includes a dividing wall extending between the forward and rearward housing walls with a wire advancing mechanism positioned on one side of the dividing wall. A housing side wall also extends between forward and rearward housing walls which is spaced apart from the dividing wall on an opposite side of the dividing wall from the wire advancing mechanism. Applicant respectfully asserts that Kensrue does not disclose a wire feeder having a housing with a dividing wall having a wire advancing mechanism positioned on one side of the dividing wall and a spaced apart housing side wall positioned on an opposite side of the dividing wall. For at least this reason, Applicant respectfully asserts that claim 22 and claims 23-25 dependent therefrom are in condition for allowance.

Applicant would like to highlight the limitation of dependent claim 24 which calls for the housing end walls and dividing wall, all of claim 22, to form walls of the storage tray of claim 22. Applicant respectfully submits that this limitation is neither taught, nor fairly suggested, by the references of record, whether applied alone or in combination with one another.


CONCLUSION

All formal and informal matters having been addressed, it is respectfully submitted that this application is in condition for allowance. It is believed that the claim changes clearly place the application in condition for allowance, defining over any fair teaching attributable to the references of record. Alternatively, if the Examiner is of the view that the application is not in clear condition for allowance, it is requested that the Examiner telephone the undersigned for purposes of conducting a telephone interview to resolve any outstanding differences. Accordingly, an early notice of allowance is earnestly solicited.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP

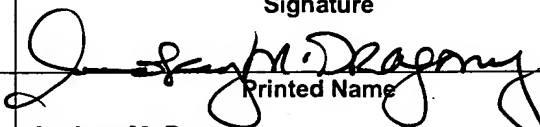
June 9, 2006
Date


Erik J. Overberger, Reg. No. 48,556
1100 Superior Avenue, Seventh Floor
Cleveland, OH 44114-2579
216-861-5582

CERTIFICATE OF MAILING OR TRANSMISSION

Under 37 C.F.R. § 1.8, I certify that this Response to Office Action is being

- ☒ deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.
- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

| | |
|-----------------------------|---|
| Express Mail Label No.: | Signature  |
| Date June 9, 2006 | Printed Name Audrey M. Dragony |

N:\LEEE\200377\AMD0005747V001.doc